Jamie M. Evans, OSB 117064
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Jeffrey P. Phelps,	))))) **Case No. 3:17-cv-00139-JR**
Plaintiff,	)
vs.	)
	) **ORDER FOR ATTORNEY FEES**
Nancy A. Berryhill, Commissioner,	) **UNDER 42 U.S.C. § 406(b)**
Social Security Administration.	)
	)
Defendant.	)
	)
	)

Plaintiff Jeffrey P. Phelps brought this action seeking review of the Commissioner's final

decision denying his application for Disability Insurance Benefits under the Social Security Act.

The Court reversed the Commissioner's decision, remanded the case for an immediate payment

of benefits, and entered judgment on January 22, 2018 [ECF 22].

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant does not

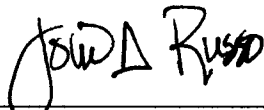object to the request. The Court finds the requested fees are reasonable.

Plaintiff's motion [ECF 30] is granted, and Plaintiff's counsel is awarded $31,626.00 in

attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees

in the amount of $10,323.30 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney, Jamie M. Evans the balance of $21,302.70, less any applicable processing or user fees prescribed by statute. The section 406(b) check should be mailed to Jamie M. Evans, 610 SW Broadway, Suite 405 Portland, Oregon 97205.

Any amount withheld after all attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: This 17th day of September, 2018.

_____
Jolie Russo
United States Magistrate Judge

Proposed Order Submitted on September 16, 2018:

__/s/ Jamie M. Evans_____
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Attorney for Plaintiff
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